

**UNITED STATES DISTRICT COURT**  
for the

Eastern District of North Carolina

**FILED IN OPEN COURT**  
**ON** 12/5/2012

Julie A. Richards, Clerk  
US District Court  
Eastern District of NC

United States of America

v.  
Cleve William Frazier

)  
Case No: 4:96-CR-54-3BO  
USM No: 16792-056

Date of Original Judgment: July 28, 1997  
Date of Previous Amended Judgment: August 29, 2009  
(Use Date of Last Amended Judgment if Any)

) Thomas P. McNamara  
Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 262 months is reduced to 210 months 280 months

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated July 28, 1997, and August 29, 2009, shall remain in effect. **IT IS SO ORDERED.**

Order Date:

12-5-12



Judge's signature

Effective Date:

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title